

Introduced by Senator Escutia

February 18, 2005

An act to amend Sections 42850, 42889, and 42961.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as introduced, Escutia. Solid waste: used or waste tire haulers: manifests.

(1) Existing law authorizes the California Integrated Waste Management Board to designate a city or county to exercise enforcement authority with regard to waste tire facilities and provides that this designation does not limit the authority of the board to take action it deems necessary or proper to ensure the enforcement of the provisions regulating waste tire facilities.

This bill would also provide that this designation does not limit the authority of the board to act under the California Tire Recycling Act or the provisions regulating waste and used tire haulers.

(2) Existing law imposes a California tire fee on every person who purchases a new tire, which is remitted by the retailer, for deposit in the California Tire Recycling Management Fund. These fees are required to be appropriated to the board in the annual Budget Act, for specified purposes, including paying the costs associated with the development and enforcement of regulations relating to the storage of waste tires and used tires.

This bill would additionally require the moneys in the fund to be appropriated to pay the costs associated with the development and enforcement of regulations relating to the hauling of waste and used tires.

(3) Existing law requires any person generating waste or used tires that are transported or submitted for transportation to submit a

California Uniform Waste and Used Tire Manifest, as defined, to the waste and used tire hauler and to submit copies of the manifest to the California Integrated Waste Management Board. A waste and used tire hauler is required to possess that manifest while transporting waste or used tires, and the operator of a waste or used tire facility is required to submit a copy of the manifest to the board and the generator.

This bill would revise the definition of the term “California Uniform Waste and Used Tire Manifest” and would revise those provisions with regard to procedures for providing and submitting the manifest. The bill would require the board to adopt a California uniform waste and used tire manifest system for the purpose of tracking waste and used tires, to prevent the illegal disposal of those tires. The bill would require the board to adopt regulations with regard to the completion and submission of a manifest and a schedule for submitting manifests to the board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42850 of the Public Resources Code is
- 2 amended to read:
- 3 42850. (a) Any person who negligently violates any
- 4 provision of this chapter, or any permit, rule, regulation,
- 5 standard, or requirement issued or adopted pursuant to this
- 6 chapter, is liable for a civil penalty of not less than five hundred
- 7 dollars (\$500) or more than five thousand dollars (\$5,000), for
- 8 each violation of a separate provision or, for continuing
- 9 violations, for each day that the violation continues.
- 10 (b) Liability under this section may be imposed in a civil
- 11 action or liability may be imposed administratively pursuant to
- 12 this article.
- 13 (c) Upon request of a city, county, or city and county, that city,
- 14 county, or city and county may be designated, in writing, by the
- 15 board, to exercise the enforcement authority granted to the board
- 16 under this chapter. Any city, county, or city and county so
- 17 designated shall follow the same procedures set forth for the
- 18 board under this article. This designation shall not limit the
- 19 authority of the board to take action it deems necessary or proper

1 to ensure to enforcement of this chapter, *Chapter 17*
2 *(commencing with Section 42860), and Chapter 19 (commencing*
3 *with Section 42950)* .

4 SEC. 2. Section 42889 of the Public Resources Code, as
5 amended by Section 14 of Chapter 707 of the Statutes of 2004, is
6 amended to read:

7 42889. (a) (1) Commencing January 1, 2005, and until
8 December 31, 2006, of the moneys collected pursuant to Section
9 42885, an amount equal to seventy-five cents (\$0.75) per tire on
10 which the fee is imposed shall be transferred by the State Board
11 of Equalization to the Air Pollution Control Fund. The state
12 board shall expend those moneys, or allocate those moneys to the
13 districts for expenditure, to fund programs and projects that
14 mitigate or remediate air pollution caused by tires in the state, to
15 the extent that the state board or the applicable district
16 determines that the program or project remediates air pollution
17 harms created by tires upon which the fee described in Section
18 42885 is imposed.

19 (2) Commencing January 1, 2007, of the moneys collected
20 pursuant to Section 42885, an amount equal to fifty cents (\$0.50)
21 per tire on which the fee is imposed shall be transferred by the
22 State Board of Equalization to the Air Pollution Control Fund for
23 expenditure by the state board as described in paragraph (1).

24 (b) The remaining moneys collected pursuant to Section 42885
25 shall be used to fund the waste tire program, and shall be
26 appropriated to the board in the annual Budget Act in a manner
27 consistent with the five-year plan adopted and updated by the
28 board. These moneys shall be expended for the payment of
29 refunds under this chapter and for the following purposes:

30 (1) To pay the administrative overhead cost of this chapter, not
31 to exceed 6 percent of the total revenue deposited in the fund
32 annually, or an amount otherwise specified in the annual Budget
33 Act.

34 (2) To pay the costs of administration associated with
35 collection, making refunds, and auditing revenues in the fund,
36 not to exceed 3 percent of the total revenue deposited in the fund,
37 as provided in subdivision ~~(b)~~ (c) of Section 42885.

38 (3) To pay the costs associated with operating the tire
39 recycling program specified in Article 3 (commencing with
40 Section 42870).

(4) To pay the costs associated with the development and enforcement of regulations relating to the storage *and hauling* of waste tires and used tires. The board shall consider designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste tires and used tires, as provided in subdivision (c) of Section 42850. If the board designates a local entity for that purpose, the board shall provide sufficient, stable, and noncompetitive funding to that entity for that purpose, based on available resources, as provided in the five-year plan adopted and updated as provided in subdivision (a) of Section 42855.5. The board may consider and create, as appropriate, financial incentives for citizens who report the illegal hauling or disposal of waste tires as a means of enhancing local and statewide waste tire and used tire enforcement programs.

(5) To pay the costs of cleanup, abatement, removal, or other remedial action related to waste tire stockpiles throughout the state, including all approved costs incurred by other public agencies involved in these activities by contract with the board. Not less than six million five hundred thousand dollars (\$6,500,000) shall be expended by the board during each of the following fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

(6) To make studies and conduct research directed at promoting and developing alternatives to the landfill disposal of waste tires.

(7) To assist in developing markets and new technologies for used tires and waste tires. The board's expenditure of funds for purposes of this subdivision shall reflect the priorities for waste management practices specified in subdivision (a) of Section 40051.

(8) To pay the costs associated with implementing and operating a waste tire and used tire hauler program and manifest system pursuant to Chapter 19 (commencing with Section 42950).

(9) To pay the costs to create and maintain an emergency reserve, which shall not exceed one million dollars (\$1,000,000).

(10) To pay the costs of cleanup, abatement, or other remedial action related to the disposal of waste tires in implementing and operating the Farm and Ranch Solid Waste Cleanup and

1 Abatement Grant Program established pursuant to Chapter 2.5
2 (commencing with Section 48100) of Part 7.

3 (c) This section shall remain in effect only until January 1,
4 2015, and as of that date is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2015, deletes or extends
6 that date.

7 SEC. 3. Section 42889 of the Public Resources Code, as
8 added by Section 14.5 of Chapter 707 of the Statutes of 2004, is
9 amended to read:

10 42889. Funding for the waste tire program shall be
11 appropriated to the board in the annual Budget Act. The moneys
12 in the fund shall be expended for the payment of refunds under
13 this chapter and for the following purposes:

14 (a) To pay the administrative overhead cost of this chapter, not
15 to exceed 5 percent of the total revenue deposited in the fund
16 annually, or an amount otherwise specified in the annual Budget
17 Act.

18 (b) To pay the costs of administration associated with
19 collection, making refunds, and auditing revenues in the fund,
20 not to exceed 3 percent of the total revenue deposited in the fund,
21 as provided in subdivision ~~(b)~~ (c) of Section 42885.

22 (c) To pay the costs associated with operating the tire
23 recycling program specified in Article 3 (commencing with
24 Section 42870).

25 (d) To pay the costs associated with the development and
26 enforcement of regulations relating to the storage *and hauling* of
27 waste tires and used tires. The board shall consider designating a
28 city, county, or city and county as the enforcement authority of
29 regulations relating to the storage of waste tires and used tires, as
30 provided in subdivision (c) of Section 42850. If the board
31 designates a local entity for that purpose, the board shall provide
32 sufficient, stable, and noncompetitive funding to that entity for
33 that purpose, based on available resources, as provided in the
34 five-year plan adopted and updated as provided in subdivision (a)
35 of Section 42855.5. The board may consider and create, as
36 appropriate, financial incentives for citizens who report the
37 illegal hauling or disposal of waste tires as a means of enhancing
38 local and statewide waste tire and used tire enforcement
39 programs.

(e) To pay the costs of cleanup, abatement, removal, or other remedial action related to waste tire stockpiles throughout the state, including all approved costs incurred by other public agencies involved in these activities by contract with the board. Not less than six million five hundred thousand dollars (\$6,500,000) shall be expended by the board during each of the following fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

(f) This section shall become operative on January 1, 2015.

SEC. 4. Section 42961.5 of the Public Resources Code is amended to read:

42961.5. (a) For purposes of this chapter, the following definitions shall apply:

(1) “California Uniform Waste and Used Tire Manifest” means a shipping document ~~signed~~ *completed* by a generator of waste or used tires, a waste and used tire hauler, or the operator of a waste or used tire facility or other destination that contains all of the information required by the board, ~~including, but not limited to, an accurate measurement of the number of tires being shipped, the type or types of the tires, the date the shipment originated, and the origin and intended final destination of the shipment.~~

(2) “Waste and used tire hauler” means any person required to be registered with the board pursuant to subdivision (a) of Section 42951.

(b) *The board shall adopt a California uniform waste and used tire manifest system for the purpose of tracking waste and used tires, to prevent the illegal disposal of those tires. The board shall adopt regulations that specify the duties of a person who generates, hauls, or receives waste or used tires, with regard to the completion and submission of a manifest, and a schedule for submitting manifests to the board.*

(c) Any person generating waste or used tires that are transported or submitted for transportation, for offsite handling, altering, storage, disposal, or for any combination thereof, shall complete a California Uniform Waste and Used Tire Manifest, as required by the board. ~~The generator shall provide the manifest to the waste and used tire hauler at the time of transfer of the tires. Each generator shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board~~

1 ~~shall contain the signatures of the generator and the waste and~~
2 ~~used tire hauler.~~

3 ~~(e)~~

4 (d)(1) Any waste and used tire hauler shall have the
5 California Uniform Waste and Used Tire Manifest in his or her
6 possession while transporting waste or used tires. The manifest
7 shall be shown upon demand to any representative of the board,
8 any officer of the California Highway Patrol, any peace officer,
9 as defined in Section 830.1 or 830.2 of the Penal Code, or any
10 local public officer designated by the board.

11 (2) Any waste and used tire hauler hauling waste or used tires
12 for offsite handling, altering, storage, disposal, or any
13 combination thereof, shall complete the California Uniform
14 Waste and Used Tire Manifest as required by the board. The
15 waste and used tire hauler shall provide the ~~manifest~~*manifest*
16 *information, as required by the board,* to the waste or used tire
17 facility operator who receives the waste or used tires for
18 handling, altering, storage, disposal, or any combination thereof.
19 ~~Each waste and used tire hauler shall submit to the board, on a~~
20 ~~quarterly schedule, a legible copy of each manifest. The copy~~
21 ~~submitted to the board shall contain the signatures of the~~
22 ~~generator and the facility operator.~~

23 ~~(d)~~

24 (e) Each waste or used tire facility operator that receives waste
25 or used tires for handling, altering, storage, disposal, or any
26 combination thereof, that was transported with a manifest
27 pursuant to this section, shall submit ~~copies of each manifest~~
28 *information* provided by the waste and used tire hauler ~~to the~~
29 ~~board and the generator on a quarterly schedule. The copy~~
30 ~~submitted to the board shall contain the signatures of each~~
31 ~~generator, each transporter, and the facility operator. If approved~~
32 ~~by the board, in lieu of submitting a copy of each manifest used,~~
33 ~~a facility operator may submit an electronic report to the board~~
34 ~~meeting the requirements of Section 42814, as required by the~~
35 ~~board.~~

36 ~~(e)~~

37 (f) The board shall develop and implement a system for
38 auditing manifests submitted to the board pursuant to this
39 section, for the purpose of enforcing this section. The board or its
40 agent shall continuously conduct random sampling and matching

1 of manifests—~~submitted~~ *completed* by any person generating
2 waste or used tires, hauling waste or used tires, or operating
3 waste or used tire facilities, to assure compliance with this
4 section.

5 ~~(f) (1)~~

6 (g) If approved by the board, any waste and used tire
7 generator, waste and used tire hauler, or operator of a waste tire
8 facility that is subject to the manifest requirements of this
9 section, may submit an electronic report to the board, in lieu of
10 submitting the copy of the manifest required. The electronic
11 report shall include all information required ~~to be on the~~
12 ~~California Uniform Waste and Used Tire Manifest, and any other~~
13 ~~information required by the board.~~

14 ~~(2) A waste and used tire generator, waste and used tire hauler,~~
15 ~~or operator of a waste tire facility that is subject to paragraph (1)~~
16 ~~may submit the electronic reports to the board on a quarterly~~
17 ~~schedule.~~